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In re Application of

AIHARA et al.

Application No.: 10/500,859

PCT No.: PCT/JP03/01940

Int. Filing Date: 21 February 2003

Priority Date: 22 February 2002

Attorney's Docket No.: 254787US0PCT

For: ANTIFOULING DETERGENT FOR HARD
SURFACES

DECISION

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 01 November 2004.

BACKGROUND

On 21 February 2003, applicants filed international application PCT/JP03/01940, which designated the United States and claimed a priority date of 22 February 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 August 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 August 2004 (22 August 2004 being a Sunday).

On 19 July 2004, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

On 14 October 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by thirty months from the priority date.

On 01 November 2004, applicants filed the instant "PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT".

DISCUSSION

Applicants' petition indicates that the full U.S. Basic National Fee was paid and/or authorized to be charged to Deposit Account 15-0030 on 19 July 2004. The USPTO did receive

applicants' submission filed 19 July 2004 and the U.S. Basic National Fee was paid in full on that date. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 14 October 2004 is hereby VACATED and the petition under 37 CFR 1.181 is MOOT.

The declaration of inventors filed 19 July 2004 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** as **MOOT**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 14 October 2004 is **VACATED**.

Regarding the declaration, applicants are required to file either (1a) a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or (1b) the requisite statement under 37 CFR 1.69(b) that the translation is accurate. Applicants are also required to file (2) a translation of the international application into English and (3) the processing fee under 37 CFR 1.492(f) for providing the translation later than thirty months from the priority date within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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